UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,870	01/29/2004	Gad Inon	Q76912	2642

23373 7590 01/23/2007		EXAMINER
SUGHRUE MION, PLLC		GAUTHIER, GERALD
2100 PENNSYLVANIA AVENUE, N.W.		

ART UNIT	PAPER NUMBER
2614	

SUITE 800
WASHINGTON, DC 20037

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/765,870	INON, GAD
	Examiner	Art Unit	
	Gerald Gauthier	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 December 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claim(s) 1-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Malik

(US 2003/0065768 A1).

Regarding **claim(s) 1**, Malik discloses a method for initiating a session in a store

and forward messaging system (FIG. 1 and paragraph 0029), said method comprising:

receiving a session connection request from a guest of the store and forward

messaging system (paragraph 0086);

determining capability information of a device used by the guest to connect to the

store and forward messaging system (paragraph 0086);

determining a subscriber of the store and forward messaging system for whom

the guest wishes to deposit a message (paragraph 0087);

retrieving capability information of a device used by the subscriber of the store

and forward messaging system for whom the guest wishes to deposit a message

(paragraph 0087); and

comparing the capability information of the device used by the guest to the

capability information of the device used by the subscriber, wherein the capability

information of the device used by the guest is compared to the capability information of

the device used by the subscriber prior to the guest transmitting the message to the

store and forward messaging system (paragraph 0088).

Regarding **claim(s) 2**, Malik discloses a method for initiating a session, wherein,

if at least a portion of the capability information of the device used by the guest matches

a portion of the capability information of the device used by the subscriber, the portion

of the capability information that matches is presented to the guest (paragraph 0086).

Regarding **claim(s) 3 and 12**, Malik discloses a method for initiating a session,

wherein if at least a portion of the capability information of the device used by the guest

does not match at least a portion of the capability information of the device used by the

subscriber, a default capability information is presented to the guest (paragraph 0086).

Regarding **claim(s) 4 and 14**, Malik discloses a method for initiating a session,

wherein the guest transmits the message to the store and forward system using at least

the portion of capability information that matches (paragraph 0086).

Regarding **claim(s) 5 and 10**, Malik discloses a method for initiating a session,

wherein the capability information comprises at least one of the following: a video

codec, a rate of video codec, an audio codec, a rate of audio codec, a screen size of the

device used by the guest or subscriber, and colors supported by the device used by the

guest or subscriber (paragraph 0087).

Regarding **claim(s) 6, 13 and 16**, Malik discloses a method for initiating a

session, wherein, if at least a portion of the capability information of the device used by

the guest does not match at least a portion of the capability information of the device

used by the subscriber, a default capability information is presented to the guest

(paragraph 0087).

Regarding **claim(s) 7, 15, 17 and 22**, Malik discloses a method for initiating a

session, wherein the capability information comprises at least one of the following: a

video codec, a rate of video codec, an audio coder, a rate of audio codec, a screen size

of the device used by the guest or subscriber, and colors supported by the device used

by the guest or subscriber (paragraph 0087).

Regarding **claim(s) 8**, Malik discloses a method for initiating a session in a store

and forward messaging system (FIG. 1 and paragraph 0029), said method comprising:

receiving a session connection request from a subscriber of the store and

forward messaging system (paragraph 0072);

determining capability information of a device used by the subscriber to connect

to the store and forward messaging system (paragraph 0073);

comparing the determined capability information of the device used by the

subscriber to a stored device capability information of the subscriber in order to

determine whether capability information has changed (paragraph 0071).

Regarding **claim(s) 9**, Malik discloses a method for initiating a session, wherein,

if it is determined that the capability information has changed, or it is the first time the

subscriber has called into the store and forward messaging system, or that the

capability information of the device used by the subscriber was initialized, then the

stored device capability information of the subscriber is replaced by the determined

capability information of the device used by the subscriber to connect to the store and

forward messaging system (paragraph 0086).

Regarding **claim(s) 11**, Malik discloses a store and forward messaging system

(FIG. 1 and paragraph 0029) comprising:

a receiving unit which receives a session connection request from a guest of the

store and forward messaging system (paragraph 0086);

a server coupled to the receiving unit, wherein the server contains an application (paragraph 0086); and

a data storage unit coupled to the server, wherein the data storage unit stores capability information of a device used by a subscriber of the store and forward messaging system, wherein the application determines the subscriber for whom the guest wishes to deposit a message and compares capability information of a device used by the guest to connect to the store and forward messaging system with the capability information stored in the data storage unit regarding the device of the subscriber for whom the guest wishes to deposit a message, and wherein the application compares the capability information of the device used by the guest with the capability information stored in the data storage unit prior to the guest transmitting the message to the store and forward messaging system (paragraph 0087).

Regarding **claim(s) 18**, Malik discloses a store and forward messaging system, further comprising: a transcoding unit that is able to convert a message deposited by the guest to a format supported by the device used by the subscriber if at least a portion of the capability information of the device used by the guest does not match at least a portion of the capability information stored in the data storage unit regarding the device of the subscriber for whom the guest wishes to deposit a message (paragraph 0086).

Regarding **claim(s) 19**, Malik discloses a store and forward messaging system, wherein the subscriber may maintain multiple accounts on the store and forward

system, wherein each of the subscriber's accounts includes a different set of capability information (paragraph 0086).

Regarding **claim(s) 20**, Malik discloses a store and forward messaging system (FIG. 1 and paragraph 0029) comprising:

a receiving unit, which receives a session connection request from a subscriber of the store and forward messaging system (paragraph 0072);

a server coupled to the receiving unit, wherein the server contains an application (paragraph 0072); and

a data storage unit coupled to the server, wherein the data storage unit stores capability information of a device previously used by the subscriber, wherein the application determines capability information of a device used by the subscriber to connect to the store and forward messaging system to the capability information stored in the data storage unit regarding the device previously used by tile subscriber in order to determine whether capability information has changed (paragraphs 0071-0073).

Regarding **claim(s) 21**, Malik discloses a store and forward messaging system, wherein, if it is determined that the capability information has changed, the capability information stored in the data storage unit is replaced with the capability information of the device used by the subscriber to connect to the store and forward messaging system (paragraph 0086).

Response to Arguments

3.   Applicant's arguments with respect to **claim(s) 1-22** have been considered but
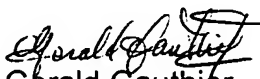
are moot in view of the new ground(s) of rejection.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-

7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Gauthier
Primary Examiner
Art Unit 2614

GG
January 18, 2007